

348-02SEC

IN THE MATTER OF JUDY FERRARO, :

KEANSBURG BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION

MONMOUTH COUNTY. : DECISION

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SYNOPSIS

The School Ethics Commission determined that respondent former Board member violated *N.J.S.A.* 18A:12-24(b) of the School Ethics Act for soliciting a donation for her political action committee from an Aramark employee contracted to supply custodial, maintenance and grounds work for the District. The Commission also found that respondent violated *N.J.S.A.* 18A:12-24(e) of the Act for allegedly making a veiled threat to Aramark's contract if the donation was not given. The Commission recommended that respondent be censured.

Upon review of the record, the Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty, concurred with the Commission's recommendation and, thus, ordered respondent former Board member censured as a school official found to have violated the School Ethics Act.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

September 23, 2002

AGENCY DKT. NO. 249-8/02

IN THE MATTER OF JUDY FERRARO,   :  
KEANSBURG BOARD OF EDUCATION,   : COMMISSIONER OF EDUCATION  
MONMOUTH COUNTY.   :                        DECISION

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The record of this matter and the decision of the School Ethics Commission (“Commission”), including the recommended penalty of censure, have been reviewed.

This matter comes before the Commissioner to impose a sanction upon Respondent Judy Ferraro, former member of the Keansburg Board of Education, based upon findings of fact and conclusions of law by the Commission that she violated *N.J.S.A. 18A:12-24(b)* of the School Ethics Act when she invited Mr. Noe, an employee of Aramark, a Board vendor, into the campaign headquarters of then-Board member Mr. Keelan for the purpose of soliciting from Mr. Noe a donation for her political action committee to support Mr. Keelan’s campaign for borough council. At the time, Ms. Ferraro was still a member of the Board. The Commission concluded that Ms. Ferraro attempted to use her position to secure unwarranted privileges for herself and for others in violation of *N.J.S.A. 18A:12-24(b)*. The Commission further found that Ms. Ferraro violated *N.J.S.A. 18A:12-24(e)* of the School Ethics Act when she indicated, by her actions, in concert with other Board members, that her vote with respect to Aramark’s contract could be affected by Mr. Noe’s response to the solicitation for donation.

Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of the decision to file written comments on the recommended penalty for

the Commissioner's consideration. No comments, however, were submitted by respondent, or on her behalf.

Initially, it must be emphasized that, pursuant to *N.J.S.A.* 18A:12:12-29(c) and *N.J.A.C.* 6A:3-9.1, the determination of the Commission as to violation of the School Ethics Act is **not reviewable by the Commissioner herein**. Only the Commission may determine whether a violation of the School Ethics Act occurred. The Commissioner's jurisdiction is limited to reviewing the sanction to be imposed based upon a finding of a violation by the Commission. Therefore, this decision is restricted solely to a review of the Commission's recommended penalty.

Upon a thorough review of the record, the Commissioner determines to accept the Commission's recommendation that censure is the appropriate penalty in this matter for the reasons expressed in the Commission's decision. In so ruling, the Commissioner is satisfied that, in recommending a penalty for the violations found, the Commission fully considered the nature of the offenses and weighed the effects of aggravating and mitigating circumstances. Therefore, the Commission's recommended penalty in this matter will not be disturbed.

Accordingly, IT IS hereby ORDERED that Judy Ferraro be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: September 23, 2002

Date of Mailing: September 25, 2002

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\* This decision, as the Commissioner's final determination regarding penalty in this matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.